

Notice of Allowability

Application No.

10/753,076

Examiner

Karen E. Toth

Applicant(s)

SATO ET AL.

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

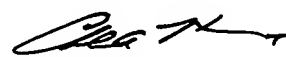
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7/7/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.


Charles A. Manner, II
SPE Art Unit 3735

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to anticipate or make obvious the structure or method of claims 1-19, including, *inter-alia*, within a pulse wave detecting apparatus providing processing means for excluding pressure signals from a sensor array that contain errors or artifacts as a result of pressing against a hard member such as bone or tendon, and using only those signals not affected by hard members for analysis.

The closest prior art of record is considered to comprise Bridger (US Patent 6491647), Miele (US Patent 7048691), Voss (US Patent 6228034), Niwa (US Patent 5238000), and Narimatsu (US Patent 5467771).

Bridger discloses a pulse wave sensing device and method that comprises both physical structure designed to eliminate artifacts from hard members, by designing the sensing surface to be elastomeric and able to protrude between hard members, and to exclude signals by using a filter that eliminates particular frequency ranges that are generally rich in artifact signals. However, Bridger does not disclose excluding signals from individual sensors that are found to be associated with artifacts from hard members.

Miele discloses the effect that hard members can have upon pulse wave measurements, and a device that avoids those artifacts by positioning the sensors to avoid them. Miele does not disclose excluding signals from individual sensors that are found to be associated with artifacts from hard members.

Voss discloses a system and method for pulse wave measurements that reduces the effects of hard members upon measurements by providing a sensor body that physically avoids taking measurements around hard members. Voss does not disclose excluding pressure signals from sensors that are found to be associated with artifacts from hard members.

Niwa discloses a system and method for pulse wave detection that avoids the effects of hard members upon measurements by providing a sensor body that physically avoids taking measurements above hard members by using two sensing surfaces. Niwa does not disclose excluding signals from sensors that are found to be associated with artifacts from hard members.

Narimatsu discloses a system and method for pulse wave detection that is designed so that artifacts from hard members do not physically reach the sensors by providing an angled casing surrounding the sensor head that deflects or absorbs the erroneous signals. Narimatsu does not disclose excluding signals from sensors that are found to be associated with artifacts from hard members.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen E. Toth whose telephone number is 571-272-6824. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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[Signature]

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Charles A Marmor, II
SPE, Art Unit 3735